

# Exhibit E



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## **SARAH BUTLER, M.A. MANAGING DIRECTOR**

Ms. Butler is an expert in survey research, market research, sampling, and statistical analysis. She has applied her expertise in a wide range of litigation and strategic business cases. Her litigation and project experience includes survey research, market research, the design of samples, and the statistical and demographic analysis of large data files in a number of areas including:

### Intellectual Property

- Trademark and Trade Dress Infringement: Design, analysis, and critique of surveys used to measure consumer confusion, secondary meaning, and dilution in trademark and trade design infringement cases.
- False and Misleading Advertising: Design, analysis and critique of surveys used to measure consumer perceptions and the materiality of advertising claims.
- Patent Infringement: Sample designs and surveys to the value of patented feature of a larger product and to establish rates at which infringing material exist in populations of products.
- Copyright infringement: Sampling plans and analysis of the rates of infringing material in populations of shared information (such as through websites or other sharing medium).

### Mass Torts/Class Actions

- Conduct surveys and design samples providing evidence on issues of commonality and consumers' awareness of key documents or facts and reliance on representations.
- Analyze large databases of claims files to generate invoices, estimate future liabilities and calculate policy shares for insurer liabilities in asbestos, tobacco and pharmaceuticals.
- Design, analyze and critique surveys and sampling plans used to evaluate employment and promotion records. Review and design surveys for purposes of estimating key facts

in labor class actions including time to complete activities, exempt/nonexempt activities, and meal and rest break issues.

#### Antitrust

- Design, analysis and critique of surveys and other market research used as evidence of consumer purchasing and switching behavior in the areas of CPG, entertainment, automobiles, public transportation, sports and consumer electronics.
- Design, analysis and critique of surveys used to demonstrate consumer price sensitivities and willingness to pay.

Prior to joining NERA, Ms. Butler worked in market research, conducting survey research, focus groups and in-depth interviews.

#### Education

##### **Temple University**

Applied Sociology, coursework, exams and dissertation proposal complete (2005).

##### **Temple University**

M.A. Sociology, (2000).

##### **Trinity College, Dublin Ireland**

M.Phil. (1997).

##### **Wellesley College**

B.A. Sociology and History (with honors). (1995).

#### Professional Experience

July 2006 - Present

##### **Senior Consultant – Managing Director**

NERA Economic Consulting  
San Francisco, California, USA

Oct 2005 – May 2006

##### **Special Consultant**

NERA Economic Consulting  
London, England

Jan 2003 – Oct 2005

##### **Senior Analyst - Consultant**

NERA Economic Consulting  
Philadelphia, Pennsylvania, USA

Sarah Butler

2002 - 2003	<b>Consultant</b> Integrated Marketing Associates Bryn Mawr, PA, USA
Oct 1998 - Jan 2002	<b>Research Associate – Analyst</b> NERA Economic Consulting Philadelphia, Pennsylvania, USA
Sept 1998 – May 2003	<b>Adjunct Professor</b> Temple University Philadelphia, Pennsylvania, USA
Jan 1997 – Feb 1998	<b>Manager of Member Research</b> Society for Neuroscience Washington DC, USA

## **Expert Analysis and Testimony**

### 2023

#### *Intellectual Property Matters*

Edible IP, LLC and Edible Arrangements LLC\* v. 1-800-Flowers.com, Inc. and 800-Flowers, Inc. United States District Court Northern District of Georgia Atlanta Division. *Expert Report.*

GOLO, LLC\* v. Goli Nutrition Inc. United States District Court District of Delaware. *Expert Report.*

NetEase, Inc., NetEase Information Technology Corporation, and Hong Kong NetEase Interactive Entertainment Limited, v. Krafton, Inc. and PUBG Santa Monica, Inc. Superior Court of California, County of Alameda. *Expert Report.*

#### *Class Action Matters*

Tiffany Coleman, Keli Swann, and Heather Brooke, individually and on behalf of all others similarly situated, v. Britax Child Safety Inc.\* United States District Court of South Carolina, Rock Hill Division. *Expert Report.*

Kevin Shenkman v. Tesla, Inc. and DOES 1 to 50, inclusive. Superior Court of California, County of Alameda. *Expert Report. Deposition.*

Sarah Butler

2022

*Intellectual Property Matters*

Sports Marketing Monterrey Group, LLC\* v. Socios Services US Inc., and Mediarex Enterprises Limited. United States District Court for the Northern District of California, San Francisco Division. *Declaration. Reply Declaration.*

Xerox Corporation (USA) v. Fujifilm Business Innovation Corp. (formerly known as Fuji Xerox Co., Ltd.) (Japan).\* International Court of Arbitration of the International Chamber of Commerce. *Expert Report.*

F21 OPCO, LLC\* v. AIRWAIR INTERNATIONAL LTD. United States District Court for the Central District of California, Western Division. *Expert Report. Rebuttal Report. Deposition.*

Florida Virtual School v. K12 Inc., and K12 Florida LLC.\* United States District Court Middle District of Florida Orlando Division. *Expert Report. Deposition.*

WSOU Investments, LLC d/b/a Brazos Licensing and Development v. Dell Technologies, Inc., Dell Inc., and EMC Corporation.\* (Case No. 6:20-cv-473-ADA). United States District Court Western District of Texas Waco Division. *Expert Report.*

Bluebonnet Internet Media Services, LLC\* v. Pandora Media, LLC. United States District Court Western District of Texas Waco Division. *Expert Report.*

In re Application of Wine.com LLC.\* United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report.*

Bilt Technologies, Inc. v. BILT, Inc.\* United States District Court for The Southern District of New York. *Expert Report. Rebuttal Report. Deposition.*

Sazerac Brands, LLC\* v. Eagle Trace Brewing Company LLC. United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report.*

UV RML NL ASSETS LLC\* v. Coulter Ventures LLC. United States District Court Central District of California. *Expert Report. Rebuttal Report.*

Tortilla Factory, LLC v. GT's Living Foods, LLC.\* United States District Court for The Central District of California. *Expert Report. Trial Testimony.*

Thrive Natural Care, Inc. v. Le-Vel Brands, LLC. United States District Court Central District of California, Southern Division. *Expert Report. Deposition.*

Crystal Lagoons U.S. Corp and Crystal Lagoons Technologies, Inc. v. Desert Color Manager LLC, Desert Color St. George LLC, AJ Construction, Inc., Cole West Home LLC, Holmes

Sarah Butler

Homes, Inc., Sullivan Homes LLC, and Pacific Aquascape International, Inc.\* United States District Court District of Utah, Central Division. *Expert Report.*

Sazerac Brands, LLC,\* v. Buffalo Chip Campground, LLC. United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report.*

Nichino America, Inc., v. Valent U.S.A., LLC.\* United States District Court District of Delaware. *Expert Report. Reply Report. Deposition.*

Promotion in Motion Inc.,\* v. The J.M. Smucker Company. United States District Court District of New Jersey. *Rebuttal Report.*

Chartwell Studio Inc., v. Team Impressions, Inc., and The Peel People, LLC.\* United States District Court Northern District of Illinois Eastern Division. *Rebuttal Report. Deposition.*

Brooks Sports, Inc.\* v. SPARC Group, LLC, Authentic Brands Group LLC, BB IPCO, LLC, BB OPCO, LLC., Simon Property Group, INC., Simon Property Group, L.P. United States District Court Western District of Washington at Seattle. *Expert Report.*

Shanghai Zhenglang Technology Co., Ltd,\* v. Mengku Technology Co., Ltd, and Qianan Li. United States District Court Eastern District Of New York. *Rebuttal Report.*

Harman International Industries, Inc.,\* v. Jem Accessories, Inc. United States District Court for the Central District of California. *Expert Report.*

PepsiCo\* v. Rockstar Industries, LLC. United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report.*

EBIN New York v. SIC Enterprise, Inc.\* United States District Court Eastern District of New York. *Expert Report. Rebuttal Report. Deposition.*

Aqua Connect, Inc. and Strategic Technology Partners, LLC. v. TeamViewer US, LLC.\* United States District Court District of Delaware. *Expert Report. Deposition. Trial Testimony.*

R80 LLC\* v. Société des Produits Nestlé S.A., et al. United States District Court District of Maryland Southern Division. *Expert Report. Rebuttal Report.*

H&R Block, Inc.,\* and HRB Innovations, Inc. v. Block, Inc. United States District Court Western District of Missouri. *Rebuttal Declaration. Reply Declaration. Expert Report.*

Vans, Inc. and VF Outdoor, LLC v. Walmart, Inc., The Doll Maker, Inc., and Trendy Trading, LLC.\* United States District Court Central District of California Southern Division. *Declaration.*

Warner Bros. Entertainment Inc. v. Brian Biggs, Dawn Biggs, and Random Tuesday, Inc. et al.\* United States District Court Central District of California. *Expert Report. Deposition.*

Sarah Butler

*Class Action Matters*

Ann Kenney, individually v. Fruit of the Earth, Inc., CVS Pharmacy, Inc. United States District Court Southern District of California. *Expert Report.*

Holly Blaine Vanzant, and Sherry Nevius, on behalf of themselves and all others similarly situated v. Hill's Pet Nutrition, Inc. and PetSmart, LLC.\* United States District Court for the Northern District of Illinois. *Expert Report. Deposition.*

In re: National Football League Sunday Ticket Antitrust Litigation. United States District Court Central District of California. *Expert Report. Deposition. Rebuttal Report. Expert Report* (February 17, 2023).

Kimberly Banks and Carol Cantwell v. R.C. Bigelow, Inc., and Does 1 through 10.\* United States District Court Central District of California. *Rebuttal Report. Deposition.*

Mocha Gunaratna and Renee Camenforte v. Dr. Dennis Gross Skincare, LLC.\* United States District Court Central District of California. *Expert Report. Deposition.*

Paul Orshan, Christopher Endara, David Henderson, and Steven Neocleous, v. Apple Inc.\* United States District Court Northern District of California. *Expert Report. Deposition.*

Elizabeth Maisel v. S. C. Johnson, Inc.\* United States District Court Northern District of California. *Expert Report.*

*Other Matters*

United States ex rel. Terrence Barrett, and on behalf of various States\* v. Allergan, Inc. United States District Court Central District of California. *Expert Report.*

2021

*Intellectual Property Matters*

Power Home Remodeling Group, LLC\* v. Power Home Solar LLC d/b/a Powerhome Solar, also d/b/a Powerhome Solar & Roofing, also d/b/a Power Home Solar and Roofing. United States District Court Eastern District of Pennsylvania. *Expert Report.*

Honda Motor Co., LTD., v. Microsoft Corporation\* United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report.*

Kaifi LLC v. T-Mobile US, Inc.; LAYER3 TV, Inc.; L3TV Dallas Cable System, LLC; METROPCS Texas, LLC; T-Mobile License LLC; T-Mobile USA, INC.; T-Mobile West LLC; T-Mobile West Tower LLC; IBSV LLC; Theory Mobile, Inc.; T-Mobile PCS Holdings LLC; T-Mobile Resources Corporation; and T-Mobile Subsidiary IV Corporation.\* United States District Court Eastern District of Texas Marshall Division. *Expert Report. Deposition.*

Sarah Butler

Premier Specialty Brands LLC, d/b/a Kamado Joe v. Dansons US, LLC and Dansons, Inc. d/b/a Louisiana Grills.\* United States District Court for the Northern District of Atlanta, Georgia Division. *Expert Report. Deposition.*

Crocs, Inc.\* v. Effervescent, Inc. et. al. United States District Court for the District of Colorado. *Expert Report. Deposition.*

Theia Technologies LLC v. Theia Group, Inc. and Theia Holdings A, Inc.\* United States District Court for the Eastern District of Pennsylvania. *Expert Report.*

Lambda Labs, Inc.\* v. Lambda Inc.\* United States District Court for the Northern District of California Oakland Division. *Expert Report.*

Storage Cap Management LP\* v. Robarco, Inc. and SpareSpace Storage, LLC. United States District Court for the Southern District of Ohio Eastern Division. *Expert Report. Deposition.*

Clear Imaging Research, LLC v. Samsung Electronics Co. LTD and Samsung Electronics America.\* *Expert Report. Deposition.*

Patagonia, Inc. and Patagonia Provisions, Inc. v. Anheuser-Busch, LLC dba Patagonia Brewing Co.\* United States District Court for the Central District of California Western Division, Los Angeles. *Expert Report.*

In the Matter of Certain Audio Players and Controllers, Components Thereof, and Products Containing the Same. United States International Trade Commission, Washington DC. *Expert Report. Deposition. Trial Testimony.*

Vivint Inc.\* v. Alarm.com. United States District Court for the District of Utah. *Expert Report. Deposition.*

#### *Class Action Matters*

Kristen Schertzer, Meagan Hicks, Brittany Covell\* v. Bank of America, N.A., Cardtronics, Inc., FCTI, Inc., Cash Depot, Ltd. And DOES 1-50. United States District Court Southern District of California. *Expert Report. Deposition.*

Warren Gross, Deborah Levin, Shelby Cooper, and Edward Buchannan v. Vilore Foods Company, Inc., Arizona Canning Company, LLC.\* United States District Court Southern District of California. *Expert Report. Rebuttal Report. Deposition.*

Scott and Rhonda Burnett, Ryan Hendrickson, Jerod Breit, Scott Trupiano, and Jeremy Keel v. The National Association of Realtors, Realogy Holdings Corp., Homeservices of America, Inc., BHH Affiliates, LLC, HSF Affiliates, LLC, Re/Max LLC, and Keller Williams Realty, Inc.\* United States District Court for the Western District of Missouri, Western Division. *Expert Report.*

Sarah Butler

In re: Marriott International, Inc., Customer Data Security Breach Litigation. United States District Court of Maryland, Southern Division. *Expert Report. Deposition.*

Christopher Julian et. al. v. TTE Technology, Inc., dba TCL North America.\* United States District Court for the Northern District of California. *Expert Report.*

Kaylan Morris, et. al. v. Walmart Inc., f/k/a Wal-mart Stores Inc.\* United States District Court, Northern District of Alabama, Southern Division. *Expert Report. Deposition. Class Certification Testimony.*

Ricardo R. Garcia, Duane K. Glover, Paul E. Jacobson, Gaetano Calise, Mykhailo I. Holovatyuk, Brian Garcia, Paul Thompson, and David Hartman\* v. Volkswagen Group of America, Inc. a/k/a Audi of America, Inc. and Volkswagen Aktiengesellschaft. United States District Court for the Eastern District of Virginia, Alexandria Division. *Expert Report. Deposition.*

Charles Tillage and Joseph Loomis\* v. Comcast Corporation and Comcast Cable Communications, LLC and Does 1-20. United States District Court for the Northern District of California, San Francisco Division. *Expert Report.*

Kathleen Ryan-Blaufuss, Cathleen Mills, and Khek Kuan v. Toyota Motor Corporation, Toyota Motor Sales, U.S.A., INC., and DOE Defendants 1-10.\* United States District Court for the Central District of California, Western Division. *Expert Report. Deposition.*

H. Cristina Chen-Oster, Shanna Orlich, Allison Gamba, and Mary De Luis\* v. Goldman Sachs & Co. and The Goldman Sachs Group, Inc. United States District Court for the Southern District of New York. *Expert Report. Deposition.*

Michael Testone, Collin Shanks, and Lamartine Pierre, et. al., v. Barlean's Organic Oils, LLC.\* United States District Court Southern District of California. *Expert Report. Deposition.*

Susan Wang Rene Lee v. StubHub, Inc.\* Superior Court of the State of California for the County of San Francisco. *Expert Report.*

Michael Madea and Rick Smith, et. al. v. Kennedy Endeavors, Inc.\* United States District Court for the District of Hawai'i. *Expert Report. Deposition.*

Shelly Benson and Lisa Caparelli, et. al. v. Newell Brands, Inc.\* United States District Court for the Northern District of Illinois. *Expert Report. Deposition.*

Thomas Bailey, et. al. v. Rite Aid Corporation \* United States District Court for the Northern District of California. *Expert Report. Deposition.*

Sarah Butler

2020

*Intellectual Property Matters*

What A Smoke, LLC v. Duracell U.S. Operations, Inc.\* United States District Court District of New Jersey. *Expert Report. Deposition.*

Nirvana LLC v. Marc Jacobs International LLC.\* United States District Court Central District of California. *Expert Report. Deposition.*

Girl Scouts of the United States of America\* v. Boy Scouts of America. United States District Court Southern District of New York. *Expert Report. Deposition.*

American Dairy Queen Corporation v. W. B. Mason Co. Inc.\* United States District Court for the District of Minnesota. *Expert Report. Deposition. Trial Testimony.*

Seven Networks, LLC v. Apple Inc.\* United States District Court for the Eastern District of Texas Marshall Division. *Expert Report. Deposition.*

New NGC, Inc. d/b/a National Gypsum Company, NGC Industries, LLC, and National Gypsum Properties.\* LLC v. Alpinebay, Inc. *Expert Report. Deposition.*

Glaxo Group Limited\* v. Respirent Pharmaceuticals Co., LTD. United States District Court Southern District of New York. *Expert Report.*

Kaifi LLC v. AT&T Inc.; AT&T Corp.; AT&T Communications, LLC; AT&T Mobility, LLC; and AT&T Services, Inc.\* United States District Court Eastern District of Texas Marshall Division. *Expert Report. Deposition.*

CFA Institute v. American Society of Pension Professionals & Actuaries, et. al.\* United States District Court for the Western District of Virginia, Charlottesville Division. *Expert Report. Deposition.*

Match Group LLC\* v. Bumble Trading Inc., Bumble Holding, LTD., Badoo Trading Limited, Magic Lab Co., Worldwide Vision Limited, Badoo Limited, Badoo Software Limited, and Badoo Technologies Limited. United States District Court for the Western District of Texas, Waco Division. *Expert Report. Deposition.*

ClearPlay, Inc. v. Dish Network, L.L.C. and Echostar Technologies, L.L.C.\* United States District Court, District of Utah, Central Division. *Expert Report.*

*Class Action Matters*

Vicky Maldonado, et. al., v. Apple, Inc.\* United States District Court, Northern District of California, San Francisco Division. *Expert Report. Deposition.*

Sarah Butler

Jason DeCarlo v. Costco Wholesale Corporation and MBNR.\* United States District Court Southern District of California. *Expert Report.*

Javier Cardenas et al., Plaintiffs v. Toyota Motor Corporation et al., Defendants.\* United States District Court Southern District of Florida. *Expert Report. Deposition.*

Brian Gozdenovich et al., v. AARP Inc., AARP Services, Inc., AARP Insurance Plan, UnitedHealth Group, Inc., and UnitedHealthCare Insurance Company.\* United States District Court District of New Jersey. *Expert Report.*

Barbara Lewis, et al., v. Rodan & Fields, LLC.\* United States District Court Northern District of California Oakland Division. *Expert Report. Deposition.*

Austin Rugg v. Johnson & Johnson Consumer Inc.\* United States District Court Norther District of California San Jose Division. *Expert Report.*

Caryn Gorzo, et al., v. Rodan & Fields, LLC.\* The Superior Court of California County of San Francisco. *Expert Report.*

Toya Edwards and Jamal Erakat, et al., v. Walmart, Inc.\* United States District Court, Central District of California. *Expert Report. Deposition.*

Ohio State Troopers Association, Inc., et al., & Miguel Porras v. Point Blank Enterprises, Inc.\* United States District Court, Southern District of Florida. *Expert Report. Deposition.*

#### *Other Matters*

TreeHouse Foods, Inc., Bay Valley Foods, LLC, and Strum Foods, Inc.,\* v. Keurig Green Mountain, Inc. United States District Court for the Southern District of New York. *Expert Reports. Deposition.*

2019

#### *Intellectual Property Matters*

Sazerac Brands, LLC\* v. Bullshine Distillery, LLC. In the United States Patent and Trademark Office Before the Trademark and Trial Appeal Board. Opposition No. 91227653. *Expert Report. Deposition.*

X One\* v. Uber Technologies, Inc. United States District Court Northern District of California. *Expert Report. Deposition.*

NIKE, Inc. v. Skechers U.S.A., Inc.\* United States District Court, Central District of California. *Expert Report. Deposition.*

Sarah Butler

Vital Pharmaceuticals, Inc. v. Monster Energy Company and Reign Beverage Company, LLC.\*  
United States District Court Southern District of Florida. *Expert Report. Deposition.*

Mahindra & Mahindra, Ltd. and Mahindra Automotive North America, Inc.\* v. FCA US LLC.  
United States District Court, Eastern District of Michigan. *Expert Report. Deposition. ITC Trial Testimony.*

Rex Real Estate I., L.P., v. Rex Real Estate Exchange, Inc.\* United States District Court for the Eastern District of Texas, Sherman Division. *Expert Report.*

adidas America, Inc., et al. v. Forever 21 Inc., et al.\* United States District Court District of Oregon Portland Division. *Expert Report.*

Lodestar Anstalt v. Bacardi & Company Limited, Bacardi U.S.A., Inc., and Bacardi Limited.\*  
United States District Court Central District of California, Western Division. *Expert Report. Deposition.*

#### *Class Action Matters*

Paul Stockinger et al. v. Toyota Motor Sales, U.S.A., Inc.\* United States District Court Central District of California. *Expert Report. Deposition.*

Thomas Allegra, et. al.\* v. Luxottica Retail North America, d/b/a LensCrafters, United States District Court, Eastern District of New York, Brooklyn Division. Survey to evaluate consumers' willingness to pay for Accufit measurement system. *Expert Report. Deposition.*

Collin Shanks v. Jarrow Formulas, Inc.\* United States District Court Central District of California. *Expert Report.*

Crystal Hilsley vs. Ocean Spray Cranberries, Inc.\*, Arnold Worldwide LLC. United States District Court Western District Southern District of California. *Expert Report. Deposition.*

Erin Allen et al. v. Conagra Foods Inc.\* United States District Court Northern District of California San Francisco Division. *Expert Report. Deposition.*

Riley Johannesson, Daniel C. Badilla, James Kelley, Ronald Krans, Kevin R. Wonders, William Bates, James Pinion\* v. Polaris Industries, Inc. United States District Court District of Minnesota. *Expert Report. Deposition.*

#### *Other Matters*

In re: Windstream Holdings, Inc., et al., Debtors. Windstream Holdings Inc., et. al.\* v. Charter Communications, Inc. and Charter Communications Operating, LLC. United States Bankruptcy Court, Southern District of New York. Chapter 11, Case No. 19-22312 (RDD). *Expert Report.*

Sarah Butler

Belcher Pharmaceuticals, LLC v. Hospira, Inc.\* United States District Court for the Middle District of Florida, Tampa Division. *Expert Report. Deposition.*

State of Washington\* v. TVI, INC., d/b/a Value Village. State of Washington King County Superior Court. *Expert Report. Deposition. Trial Testimony.*

Obagi Cosmeceuticals LLC\* v. ZO Skin Health, Inc. and Zein E. Obagi, M.D. JAMS Arbitration Proceeding. *Expert Report. Deposition. Arbitration Testimony.*

James Pudlowski, Louis C. Cross, III, Gail Henry, Steve Henry v. St. Louis Rams, LLC, St. Louis Rams Partnership, ITB Football Company, LLC.\* *Expert Report.*

People of the State of California vs. The Hertz Corporation, American Traffic Solutions, Inc., ATS Processing Services, L.L.C., American Traffic Solutions Consolidated, L.L.C., PlatePass, L.L.C.\* *Deposition.*

2018

*Intellectual Property Matters*

Spangler Candy Company vs. Tootsie Roll Industries, LLC.\* United States District Court Northern District of Ohio Western Division Toledo. *Expert Report. Deposition.*

American Automobile Association of Northern California, Nevada & Utah and A3 Mobility LLC v. General Motors LLC and Maven Drive LLC.\* United States District Court Northern District of California San Jose Division. *Expert Report. Deposition.*

Merck & Co., Inc., and Merck Sharp & Dohme Corp. v. Merck KGaA\*. United States District Court District of New Jersey. *Expert Report. Deposition.*

MZ Wallace Inc. v. Sue Fuller, d/b/a/ The Oliver Thomas, and Black Diamond Group, Inc.\* United States District Court Southern District of New York. *Expert Report. Deposition.*

Newmark Realty Capital, Inc.\* *v. BCG Partners, Inc.* United States District Court Northern District of California San Jose Division. *Expert Report. Deposition.*

Advice Interactive Group, LLC\* *v. Web.Com Group, Inc.* United States District Court for the Middle District of Florida Jacksonville Division. *Expert Report. Deposition.*

Global Brand Holdings, LLC\* *v. Church & Dwight Co., Inc.* United States District Court Southern District of New York. *Expert Report. Deposition.*

Forever 21, Inc.\* *v. Gucci America, Inc., and Guccio Gucci S.p.A.* United States District Court Central District of California Western Division. *Expert Report. Deposition.*

Sarah Butler

Masterbuilt Manufacturing, LLC v. Wal-Mart Stores, Inc.\* United States District Court for the Middle District of Georgia Columbus Division. *Expert Report. Deposition.*

Strategic Partners, Inc. v. Koi Design, LLC. United States District Court Central District of California. *Expert Report.*

Hard Rock Café International (USA), Inc., and Tarsadia Hotels v. RockStar Hotels, Inc.\* United States District Court for the Southern District of Florida Fort Lauderdale Division. *Expert Report.*

Ghostbed, Inc. and Werner Media Partners, LLC d/b/a Nature's Sleep, LLC v. Casper Sleep, Inc., Red Antler, LLC and ICS, Inc.\* United States District Court for the Southern District of Florida. *Expert Report. Deposition.*

#### *Class Action Matters*

Kaylee Browning and Sarah Basile v. Unilever United States, Inc.\* United States District Court Central District of California. *Expert Report. Deposition.*

Scott R. Bernard v. Public Power, LLC.\* In the Circuit Court of Cook County, Illinois County Department, Chancery Division. *Expert Report.*

Kristian Zamber v. American Airlines, Inc.\* United States District Court Southern District of Florida Miami Division. *Expert Report. Deposition.*

Thomas Blitz v. Monsanto Company.\* United States District Court Western District of Wisconsin. *Expert Report. Deposition.*

#### *Other Matters*

State of Washington\* v. Johnson & Johnson, Ethicon, Inc. Ethicon US, LLC. King County Superior Court State of Washington. *Expert Report.*

Steven A. Conner DPM, P.C. v. Optum 360, LLC.\* United States District Court Eastern District of Pennsylvania. *Expert Report. Deposition.*

State of Washington\* v. Comcast Cable Communications Management, LLC, et. al. State of Washington King County Superior Court. *Expert Report. Deposition. Trial Testimony.*

Josephine James Edwards v. Hearst Communications, Inc.\* United States District Court for the Southern District of New York. *Expert Report. Deposition.*

2017

*Intellectual Property Matters*

Shelia Dashnaw, et. al. v. New Balance Athletics, Inc.\* United States District Court Southern District of California. *Expert Report. Deposition.*

Tri-Union Seafoods, LLC v. Otis McAllister, Inc.\* United States Patent and Trademark Office before the Trademark Trial and Appeal Board. *Expert Report.*

Michael Kors, L.L.C.\* v. Chunma USA, Inc. United States District Court Central District of California. *Expert Report. Deposition.*

Weems Industries, Inc. v. Plews, Inc.\* United States District Court for Northern District of Iowa, Cedar Rapids Division. *Expert Report. Deposition.*

Mars Incorporated and Mars, Petcare US, Inc. v. The J. M. Smucker Company and Big Heart Pet, Inc.\* United States District Court for the Eastern District of Virginia. *Expert Report. Deposition.*

Professional Liability Insurance Services, Inc. v. U.S. Risk, Inc. and Crystal Jacobs.\* United States District Court for Western District of Texas, Austin Division. *Expert Report. Deposition.*

Luxe Hospitality Company, Inc.\* v. SBE Entertainment Group. United States District Court Central District of California. *Expert Report. Deposition.*

*Class Action Matters*

Martin Schneider, et. al. v. Chipotle Mexican Grill, Inc.\* United States District Court Northern District of California. *Expert Report. Deposition.*

Trevor Singleton et. al. v. Fifth Generation, Inc. d/b/a Tito's Handmade Vodka.\* United States District Court for the Northern District of New York. *Expert Report. Deposition.*

*Other Matters*

State of Arizona v. Volkswagen AG, et. al.\* Superior Court of the State of Arizona – Maricopa County. *Expert Report.*

ADT LLC, and ADT US Holdings, Inc., v. Vivint, Inc.\* United States District Court Southern District of Florida Palm Beach Division. *Expert Report. Deposition.*

\* Retaining party

## Publications and Presentations

“A tale of two cups: Acquired distinctiveness and survey evidence before the TTAB.” (May-June 2020), with Healey Whitsett. *The Trademark Reporter*.

“Survey response bias and the ‘privacy paradox’: Evidence from a discrete choice experiment.” (May, 2020), with Garrett Glasgow and Samantha Iyengar in *Applied Economics Letters*. DOI: 10.1080/13504851.2020.1770183.

NAD Panel – “Consumer Perception Survey Design Safeguards & Pitfalls.” National Advertising Division Annual Meeting, New York, NY (September, 2019).

INTA Panel – “Surveys in the Brave New World: Designing and Using Survey Evidence in the Age of Online Shopping, Influencers and Hashtags.” Annual Meeting, Boston MA (May, 2019).

“The value of non-personally identifiable information to consumers of online services: evidence from a discrete choice experiment,” (2016) with Garrett Glasgow in *Applied Economics Letters*, DOI: 10.1080/13504851.2016.1197357.

“Using Survey Methods to Demonstrate the Value of Personal Information and Privacy” (May 2015) *Panel on Privacy, Security and IRBs – American Association for Public Opinion Research*, Annual Meeting, Hollywood Florida.

“Battle of the Experts—Deploying the Proper Scientific Methodology for Supporting or Challenging Claims” (March 13, 2015) invited panelist at the *Advanced Forum on Resolving & Litigating Advertising Disputes*.

“Effective Use of Surveys in Trademark Litigation,” (August, 2014) *Knowledge Group Webinar*.

“The Use of Statistical Sampling Post-Duran,” (August, 2014) *Law360*.

“The Value of Personal Information to Consumers of Online Services: Evidence from a Discrete Choice Experiment,” (June 19, 2014). *National Economic Research, Inc.*

“An assessment of the nonmarket benefits of the Water Framework Directive for households in England and Wales,” with Metcalfe, Baker, Andrews, Atkinson, Bateman, Carson, East, Gueron, Sheldon and Train in *Water Resources Research*, 48:W10516. (Paper awarded Editor’s Choice Award for 2013).

ABA Webinar “The Use of Surveys in Advertising Substantiation” (June 23, 2011).

“Meeting the New Standards for Reasonable Royalties,” (February, 2011) with Mario Lopez. *Law360*.

Sarah Butler

“Survey Evidence in False Advertising Cases,” (Winter, 2010). *The Antitrust Trial Practice Newsletter*.

“The Use of Surveys in Litigation: Recent Trends,” (April, 2010) with Kent Van Liere. National Economic Research Associates, Inc.

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“Using Surveys to Determine Damages in Patent Infringement Cases” presented at *Calculating and Proving Patent Damages* workshop, June 2003, McLean, VA.

## Professional Associations

Member, American Association of Public Opinion Research and World Association for Public Opinion Research, Member, American Statistical Association, Member, American Bar Association, Intellectual Property Section, Member, International Trademark Association (INTA), Reviewer for *Trademark Reporter*, Member, American Marketing Association.